

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 16, 2005

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:03 p.m., Tuesday, August 16, 2005, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, and James S. Burgett.

Thomas G. Shepperd, Jr., was absent.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. The invocation was given by Greg Davy, Public Information Officer.

Pledge of Allegiance to the Flag of the United States of America.

HIGHWAY MATTERS

Mr. Jim Brewer, Residency Administrator, Virginia Department of Transportation (VDOT), reported the maintenance contract on Interstate 64 was ongoing, as well as work in the subdivisions and on the primary roads. He reported the slope restoration projects throughout the County were moving along, but a temporary lane will have to be added on Route 17 to allow the slope repair at the Colonial Parkway. The project on Bay Tree Beach Road is underway and will be completed by August 31. Mr. Brewer mentioned that the Royal Grant subdivision is on the paving schedule for this year and should be completed.

Mr. Zarembo questioned the status of the traffic signal installation at Lightfoot and Mooretown Roads, and pointed out the safety hazards at the intersection of Route 60 and McLaws Circle.

Mr. Brewer explained that VDOT was working with Virginia Power to have power brought to the pole for the traffic signal installation. He mentioned that the department is in contact with the police in James City County and watching the road, and hopes to find ways to prevent trucks from coming through that area. VDOT recognizes the problem, but is not yet sure how to route the truckers another way.

Mr. Bowman asked about the possibility of getting Bay Tree Beach Road resurfaced due to the damage caused by Hurricane Isabel. He also stated he met with homeowners from the Dandy Loop Road area who asked if the road could be widened and striped.

Mr. Brewer explained that he would look into the resurfacing, but the widening would have to be put on the Six Year Plan.

Mr. Bowman further highlighted the need to have the striping put back on the shoulder of Dandy Loop and Baptist Roads. He then asked for an update on the Fort Eustis Boulevard extension.

Mr. Brewer stated that construction on Fort Eustis Boulevard would begin in September 2005, with a final projected completion date of December 1, 2006.

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Mr. Bowman suggested that VDOT make its quarterly update an electronic resource so that he may forward it to his constituents.

Chairman Burgett mentioned that he would still like Vine Drive repaved.

Mr. Brewer stated he would have it on the 2006 schedule.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Burgett congratulated the following employees for attaining 25 years of service with the County and then presented them each with their service pin and certificate:

William J. Robinson	Environmental & Development Services
Michael B. Gardner	General Services

CITIZENS COMMENT PERIOD

No one appeared to speak before the Board at this time.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett indicated he had no report to make at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds outlined some of the Board's upcoming meetings, including its work session scheduled for September 6 to discuss the Legislative Program. He noted that on the 27th of September the Board was scheduled to meet with the County's delegation to the General Assembly.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll highlighted some of the events at the recent summer VACo Conference where she moderated a panel on transportation issues. She mentioned the panel included three gubernatorial candidates whose key points will be transportation. She noted that some suggested the use of money from the general fund for transportation, along with the institutionalization of the transportation fund so it could be protected from the General Assembly. Mrs. Noll stated that two of the candidates are willing to tell local governments what they need to do with their real estate tax revenues, and she explained there are not many ways to raise revenue to pay for services needed by citizens and indicated this was a type of unfunded mandate. She spoke on budget concerns with transportation, and stated special attention needs to be made to the platforms of the candidates. She mentioned that VACo suggested monies from the transportation fund should be more equitably distributed among the various modes of transportation. Mrs. Noll reported on Senator Hawkins' suggestion that the median on Interstate 64 be made into a rapid transit line. She went on to say that people need to be thinking of the future of the transportation crisis and now is the time to fix problems and move forward with some of these plans for the future.

Mr. Zaremba referenced the Williamsburg Area Destination Marketing Committee (WADMC) and its goal with the \$2 room tax to generate \$3.6 million during the last twelve months. He explained that money is set aside to market the Historic Triangle, and indications are that tourism numbers are up. He reminded everyone that property assessments would be going out to citizens, and he suggested that a notice be sent to senior citizens reminding them the County has programs to minimize the tax burden to its senior citizens. He then mentioned an article he had read in a Charlotte, North Carolina, newspaper concerning that locality's pur-

chase of fuel-efficient vehicles, and he suggested the County look into more fuel-efficient ways. He then disputed a recent newspaper article which reported the County does not have a plan for the Lightfoot Corridor and that development was uncontrolled and sprawling, and he noted that the media seldom appears at the Board's meetings. He also touched on an article written by a citizen that pointed out great things the County had done with respect to the waterfront.

Mr. Bowman mentioned that the housing market was a hot commodity in this area, and he stated it was not too early to start considering what to do with respect to the impending assessment and tax rates that will generate significant revenues. He pointed out that services received by citizens are paid for by tax revenues, and he encouraged citizens to contact the supervisors to give their views. He also discussed the high price of gasoline and the effect on the budget in relation to the vehicles used by the County and the schools. He also mentioned that the windfall Virginia received from the transportation bill signed into legislation last week will help roadway projects.

Mrs. Noll followed up on Mr. Bowman's comments concerning transportation money stating that matching funds would need to come from VDOT in order for the federal government to provide that money. She stated VDOT did match the funding, but by year 2014, there would not be enough money in the state budget to match the funds before the increase.

Chairman Burgett thanked the Department of General Services for the railing installed on the steps of York Hall. He mentioned that Sharon Owen in the York Hall Gallery was interviewed on how the Gallery was contributing back to the community. He stated the editorial that Mr. Zaremba referred to was ignorance and that everything was planned in York County and had been for some time. He mentioned the scooter ordinance that needs to be addressed and stated the County should do something if the state does not. Mr. Burgett reported on the landscaping provided through the Route 17 Revitalization Program that has been compromised by vehicles added behind the landscaping, in addition to businesses displaying merchandise on the grass areas. He announced that the draft Comprehensive Plan was on line, and he encouraged citizens to review the plan. He then asked Mr. McReynolds for a summary of the purchasing activity conducted outside of the County and reminded everyone to keep business in the County.

PUBLIC HEARINGS

EASEMENT DEED: REDOUBT ROAD PROPERTY

Mr. Barnett gave a presentation on proposed Resolution R05-140 to authorize the execution of an easement deed and an assignment of rights in an existing drainage and utility easement affecting real property owned by the County located on Redoubt Road for the purpose of relocation of utility lines.

Chairman Burgett called to order a public hearing on proposed Resolution R05-140 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EASEMENT DEED AND AN ASSIGNMENT OF RIGHTS IN AN EXISTING DRAINAGE AND UTILITY EASEMENT, AFFECTING REAL PROPERTY OWNED BY THE COUNTY LOCATED ON REDOUBT ROAD, BEING A PORTION OF FORMER LOT 29 IN VICTORY INDUSTRIAL PARK, FOR THE PURPOSE OF RELOCATION OF UTILITY LINES

There being no one present who wished to speak concerning the subject resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R05-140 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN EASEMENT DEED AND AN ASSIGNMENT OF

RIGHTS IN AN EXISTING DRAINAGE AND UTILITY EASEMENT,
AFFECTING REAL PROPERTY OWNED BY THE COUNTY LO-
CATED ON REDOUBT ROAD, BEING A PORTION OF FORMER
LOT 29 IN VICTORY INDUSTRIAL PARK, FOR THE PURPOSE OF
RELOCATION OF UTILITY LINES

WHEREAS, the County recently conveyed to Just of York, LLC a portion of Lot 29 located in Victory Industrial Park, retaining a 70' wide portion of said Lot 29 for access between Redoubt Road and adjacent property owned by the County; and

WHEREAS, in connection with the sale to Just of York, the County agreed to relocate certain utility lines from off the property conveyed to new locations along Redoubt Road and also through an existing 20' drainage and utility easement lying across the County's property and adjacent parcels; and

WHEREAS, following the holding of a public hearing, this Board is determined that it is in the public interest to convey to Dominion Virginia Power a utility easement across a portion of the County's property, and also to assign to Dominion Virginia Power the right to place utility lines within an existing 20' drainage and utility easement as shown on a plat recorded in Plat Book 10, page 590-591.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2005, that the County Administrator is authorized to execute a deed or deeds, conveying to Dominion Virginia Power a variable width utility easement containing approximately 1,577 sq. ft., and also assigning to Dominion Virginia Power the right to locate utility lines within an existing 20' drainage and utility easement, all lying across property owned by the County and located on Redoubt Road, being a portion of former Lot 29 of Victory Industrial Park, as shown on a plat entitled "PLAT OF UTILITY EASEMENT FROM: COUNTY OF YORK, VIRGINIA, PROJECT: REDOUBT ROAD," made by Precision Measurements, Inc., dated May 2, 2005, a copy of which is attached to the County Attorney's Memorandum to the Board dated July 21, 2005, such deed to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Bowman, Burgett
Nay: (0)

APPLICATION NO. ZT-96-05, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter gave a presentation on Application No. ZT-96-05 to amend the York County Zoning Ordinance by creating a new section 24.1-223.1, Special Requirements Adjacent to Unused Rights-of-Way, to allow adjustments in the dimension and location of front landscape yards and in the setback of freestanding signs on certain properties abutting a public right-of-way. He stated the Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Ordinance No. 05-22.

Mrs. Noll expressed her concerns about future signage, and suggested that any future signage be required to be a monument sign.

Mr. Carter explained the Board could add a provision that stated any newly installed sign would have to be a monument sign.

Chairman Burgett called to order a public hearing on Application No. ZT-96-05 that was duly advertised as required by law. Proposed Ordinance No. 05-22 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-96-05 TO
AMEND CHAPTER 24.1, ZONING, YORK COUNTY CODE, TO AL-
LOW CERTAIN CONCESSIONS FOR THE WIDTH OF FRONT
LANDSCAPE YARDS AND SIGN PLACEMENT FOR PROPERTIES

THAT ABUT UNUSUALLY WIDE EXPANSES OF UNUSED HIGH-
WAY RIGHT-OF-WAY

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll made a motion to amend proposed Ordinance No. 05-22 to insert language that would provide that any new signage installed pursuant to Section 24.1-223.1 shall be a monument-styled sign.

On roll call the vote was:

Yea: (4) Noll, Bowman, Zaremba, Burgett
Nay: (0)

Mrs. Noll then moved the adoption of proposed Ordinance No. 05-22(R) that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-96-05 TO AMEND CHAPTER 24.1, ZONING, YORK COUNTY CODE, TO ALLOW CERTAIN CONCESSIONS FOR THE WIDTH OF FRONT LANDSCAPE YARDS AND SIGN PLACEMENT FOR PROPERTIES THAT ABUT UNUSUALLY WIDE EXPANSES OF UNUSED HIGH-WAY RIGHT-OF-WAY

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-96-05 after determining that the normally applicable front landscape yard and sign placement standards may create hardships for businesses located along Primary highways having unusually wide expanses of unused right-of-way between the travel lane and the front property line of such parcels; and

WHEREAS, the Board wishes to consider establishing opportunities for relief from the normally applicable standards in cases where such highways are not programmed or planned for widening; and

WHEREAS, said application has been referred to the York County Planning Commission for review and consideration in accordance with applicable procedures for zoning ordinance text and map amendments; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and conducted subsequent deliberations and discussions on the proposed amendments and has recommended approval; and

WHEREAS, the Board has conducted a duly advertised public hearing and has carefully considered the Planning Commission recommendation and public input concerning this application.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 16th day of August, 2005, that it does hereby approve Application No. ZT-96-05 to amend Chapter 24.1, Zoning, of the York County Code to read as follows:

Add new Section 24.1-223.1, as follows:

24.1-223.1 Special requirements adjacent to unused rights-of-way

In the case of a parcel abutting a primary system highway that is not a limited access roadway or a frontage road associated with a limited access roadway and that is not planned for widening in the current Virginia Department of Transportation Six-Year Plan or in the current Regional Transportation Plan or the York County Comprehensive Plan, if the front property line of said parcel is 50 feet or more from the edge of the existing pavement the 20-foot front landscaped yard required by section 24.1-244 may be reduced to five feet, provided that the Virginia Department of Transportation will allow the landscape planting requirements specified by

section 24.1-242 to be met by plantings which shall be installed by the property owner within that 5-foot area and the 15 feet of right of way closest to the front property line, and the 10-foot setback for signs required by section 24.1-702 may be waived and the sign may be located in the area between the normal setback line and the front property line or, in the event the Virginia Department of Transportation authorizes such placement through a land lease or permit arrangement, may be located within 10 feet of the front property line of the parcel and within the VDOT right-of-way, provided however, that any new sign installed pursuant to this section shall be a monument style sign. Should such lease/permit be terminated by VDOT, or should the subject 10-foot area be needed for a public utility project, the property owner shall be responsible for relocating the sign to comply with all applicable sign setback standards then in effect.

On roll call the vote was:

Yea: (4) Bowman, Zaremba, Noll, Burgett
Nay: (0)

APPLICATION NO. UP-671-05, GEORGE NICE & SONS, INC.

Mr. Carter gave a presentation on Application No. UP-671-05 to approve a use permit authorizing a home occupation of a home office for a contracting business with up to five non-resident employees on a 92.8-acre parcel located at 143 Skimino Road. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R05-134.

Mr. S. Ray Nice, 19681 High Bluff Lane, Barhamsville, the applicant, appeared to explain his need to have a home occupation and to ask for approval of the application.

Chairman Burgett called to order a public hearing on Application No. UP-671-05 that was duly advertised as required by law. Proposed Resolution R05-134 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A CONTRACTOR OFFICE WITH UP TO FIVE (5) NON-RESIDENT EMPLOYEES AS A HOME OCCUPATION AT 143 SKIMINO ROAD

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Resolution R05-134 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A CONTRACTOR OFFICE WITH UP TO FIVE (5) NON-RESIDENT EMPLOYEES AS A HOME OCCUPATION AT 143 SKIMINO ROAD

WHEREAS, George Nice & Sons, Inc. has submitted Application No. UP-671-05, which requests a Special Use Permit, pursuant to Section 24.1-283(e) of the York County Zoning Ordinance, to authorize a contractor office with up to five (5) non-resident employees as a home occupation on a 92.8-acre parcel located at 143 Skimino Road (Route 797) and further identified as Assessor's Parcel No. 3-1-B (GPIN# 20b-4572-4798); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2005, that Application No. UP-671-05 be, and it is hereby, approved to authorize a contractor office with up to five (5) non-resident employees as a home occupation on a 92.8-acre parcel located at 143 Skimino Road (Route 797), further identified as Assessor's Parcel No. 3-1-B (GPIN# 20b-4572-4798), subject to the following conditions:

1. This Special Use Permit shall authorize a contractor office with up to five (5) non-resident employees as a home occupation on a 92.8-acre parcel located at 143 Skimino Road (Route 797), further identified as Assessor's Parcel No. 3-1-B (GPIN# 20b-4572-4798).
2. The contractor office shall be operated in compliance with the standards set forth in Sections 24.1-281, *General Requirements for home occupations*, and 24.1-283, *Home occupations permitted by special use permit*, of the York County Zoning Ordinance, except as modified herein.
3. No more than five (5) non-resident employees shall be permitted in connection with the home occupation.
4. Notwithstanding the provisions set forth in Section 24.1-281(b) of the Zoning Ordinance, the floor area of the home office shall not exceed approximately 1,500 square feet.
5. In accordance with Section 24.1-281(j) of the Zoning Ordinance, no heavy truck or vehicle or piece of equipment having a gross rated carrying capacity of more than one (1) ton gross weight shall be parked or stored on or operated from the subject property in connection with the home occupation.
6. This use permit shall expire two (2) years from the date of approval of this Resolution.
7. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Bowman, Burgett
Nay: (0)

APPLICATION NO. UP-673-02, PARADISE TATTOO

Mr. Carter informed the Board that the applicant had made a request for the application to be deferred until the September meeting.

Discussion followed concerning the applicant's request for a deferral on the public hearing.

Mrs. Noll indicated the Board normally complied with an applicant's request for deferral.

Chairman Burgett mentioned the applicant would have to pay an additional advertising fee for the delay, and that a full Board would be present at the next meeting. He stated whatever the Board did would set the tone for activity in that part of the County, and he stated it would be best to have the full Board present.

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Mr. Zaremba stated he did not see the point in tabling the matter in Mr. Shepperd's absence. He stated the nature of the subject did not mandate all five of the Board members be present.

Mr. Bowman noted that the business itself was something that the Board has to look at and it was a serious decision to make, but he did not feel the need to put the decision off.

Further discussion ensued over the request to defer the application.

Mrs. Noll reiterated her earlier remarks concerning deferral requests, and stated she thought they could afford the applicant the courtesy, and she moved to table Application No. UP-673-02.

On roll call the vote was:

Yea:	(2)	Noll, Burgett
Nay:	(2)	Bowman, Zaremba

Mr. Carter then gave a presentation on Application No. UP-673-02 to approve a use permit authorizing the establishment of a 1,247-square foot tattoo parlor within an existing retail center (Palace Plaza Shops) located at 113 Palace Lane. He explained that the Planning Commission recommended approval of the application; however, the County Administrator had recommended denial in recognition of potential inconsistencies with the tourist-commercial character and objectives for the Bypass Road corridor area.

Mr. Scott Mitchell, 597 Allens Mill Road, the applicant, explained that his request for a deferment was on the advice of his newly retained legal counsel who could not be present. He noted this was his second application submitted for approval, with the first being denied for its highly visible location on Merrimac Trail. He stated he has worked with the Planning Division to find a more appropriate location, and he stated the shopping center has no visibility from Route 60 and Bypass Road, nor are any tourist-oriented companies around the plaza.

Mr. Bowman indicated he recognized the sensitivity of the application and the nature of the business, and stated he was concerned with the cooperation among the Williamsburg-James City County residents. He explained they had worked for years on a theme and an image in the Williamsburg area; and while he did not object to the business itself, this particular type of business at this location was not something with which he agreed. He pointed out that this was not the type of business that needs to be seen because most people would research where to get a tattoo before doing so.

Mrs. Noll stated she drove by the proposed location, and noted she would have a problem with a building mounted sign, and that the tattoo shop would be sandwiched between a Harley Davidson shop and a bar. She voiced concerns over setting a precedent in the County.

Mr. Zaremba pointed out that tattoos were not a bad thing and that he himself has one. He expressed concern with the location of the proposed business and the fact that there was a school nearby with impressionable school age children.

Discussion ensued over the location of the proposed facility.

Chairman Burgett then called to order a public hearing on Application No. UP-673-02 that was duly advertised as required by law. Proposed Resolution R05-135 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A TATTOO PARLOR AT 113P PALACE LANE

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Zaremba explained the County had been trying for years to make this area a tourist-friendly place to visit. He mentioned the efforts by the National Park Service, the Jamestown-Yorktown Foundation, and the Hotel-Motel Association that were all working in an effort to not

turn off tourism. He stated it was this Board's responsibility to ensure whatever vision it has to stay on that course. Mr. Zaremba stated this was not a revenue-producing venture, and there may be another place in the County where this business might be better suited.

Mrs. Noll agreed with Mr. Zaremba's comments concerning tourism and the visibility of the business on Bypass Road. She stated she had a problem with not granting the applicant's request for a delay as suggested by his legal counsel. She indicated the applicant wanted to start a business off Bypass Road where it was not visible and where a sign has been for weeks with no complaints from the neighbors.

Chairman Burgett reminded the Board of the recommendations made by both the Planning Commission and the County Administrator. He stated if he could select the location for a tattoo parlor, it would not be in Williamsburg. He mentioned the importance of this application, and that he would have preferred the input of five members. He stated that due to the amount of money spent to attract tourists in that area, he did not consider this to be a good location for a tattoo business.

Mrs. Noll then moved the adoption of proposed Resolution R05-135 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A TATTOO PARLOR AT 113P PALACE LANE

WHEREAS, Paradise Tattoo has submitted Application No. UP-673-05, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 7) of the York County Zoning Ordinance, to authorize a 1,247-square foot tattoo parlor within the existing retail center located at 113P Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-14; and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2005, that Application No. UP-673-05 be, and it hereby is, approved to authorize a 1,247-square foot tattoo parlor within the existing retail center located at 113P Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-14 (GPIN No. D15a-2344-2638), subject to the following conditions:

1. This use permit shall authorize the establishment of a 1,247-square foot tattoo parlor located in the existing retail center at 113P Palace Lane (Route 630) and further identified as Assessor's Parcel No. 9-14.
2. The subject facility shall be established in substantial conformance with the floor plan submitted by the applicant and received by the Planning Division on May 27, 2005.
3. In order to provide opaque screening from view outside of the parlor, front windows shall be treated with tinting or other window shading devices that are compatible with the architecture of the retail center building, subject to the approval of the Zoning Administrator.
4. Signage for the proposed use shall be limited to building façade signage installed in accordance with all applicable requirements of the Zoning Ordinance. Advertising for the proposed use shall not be permitted on any existing or future proposed freestanding signage for the retail center.

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5. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval or issuance of a Certificate of Occupancy, whichever occurs first.

On roll call the vote was:

Yea: (1) Noll
Nay: (3) Bowman, Zaremba, Burgett

CONSENT CALENDAR

Mrs. Noll moved that the Consent Calendar be approved as submitted, Item Nos. 5, 6, 7, 8, 9, 10 and 11, respectively.

On roll call the vote was:

Yea: (4) Zaremba, Noll, Bowman, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 5. APPROVAL OF MINUTES

The minutes of the following York County Board of Supervisors meeting were approved:

July 19, 2005, Regular Meeting

Item No. 6. PARK FACILITY AND USE AGREEMENT: Resolution R05-139.

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO EXECUTE A REVISED AGREEMENT WITH THE YORK
COUNTY SCHOOL BOARD FOR MANAGING USE OF SCHOOL
AND PARK FACILITIES

WHEREAS, it is the desire of the York County Board of Supervisors and the York County School Board to optimize the use of public school and park facilities for all citizens of York County; and

WHEREAS, athletic fields, grounds, gymnasiums and physical education spaces at County school and park facilities are resources that are available to citizens of York County for community activities and recreational purposes; and

WHEREAS, efficient and fair use of these resources has been managed effectively through an Agreement between the School Board and the Board of Supervisors since 1991; and,

WHEREAS, the Board recognizes the benefit that has accrued to York County because of this Agreement, and finds the revisions made to Agreement on Managing Use of York County School and Park Facilities transmitted to the Board by report of the County Administrator dated August 4, 2005, to be in the public interest; and

WHEREAS, the School Board has approved the proposed Agreement on April 25, 2005;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of August, 2005, that the County Administrator be, and he hereby is, authorized to

execute the above-referenced Agreement on Managing Use of York County School and Park Facilities between the County and the County School Board; such Agreement to be approved as to form by the County Attorney.

Item No. 7. GRANT ACCEPTANCE: RESCUE EQUIPMENT: Resolution R05-141.

A RESOLUTION TO ACCEPT AND APPROPRIATE VIRGINIA RESCUE SQUAD ASSISTANCE FUNDS AND DONATIONS FUNDS IN THE AMOUNT OF \$64,840 AND TO AUTHORIZE THE COUNTY ADMINISTRATOR TO DO ALL THINGS NECESSARY TO PROCURE HYDRAULIC RESCUE TOOLS AND ASSOCIATED EQUIPMENT IN THE AMOUNT OF \$142,024

WHEREAS, the York County Department of Fire and Life Safety sought and has been awarded grant funding and donation funds in the amount of \$64,840 for the replacement of its hydraulic rescue tools and associated equipment; and

WHEREAS, funds previously appropriated are available to provide the additional funds and to further support the initiative; and

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the procurement of replacement hydraulic rescue tools and associated equipment in the amount of \$142,024 is necessary and desirable, it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of August, 2005, that grant funds in the amount of \$64,840 from the Fire and Rescue Volunteers Donations Program and the Virginia Rescue Squad Assistance Fund be accepted and appropriated; and

BE IT FURTHER RESOLVED that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the hydraulic rescue tool replacement project in the amount of \$142,024.

Item No. 8. REIMBURSEMENT AUTHORIZATION: SCHOOL CAPITAL PROJECTS: Resolution R05-142.

A RESOLUTION OF THE BOARD OF SUPERVISORS OF YORK COUNTY DECLARING ITS INTENT TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR CERTAIN EXPENDITURES MADE AND/OR TO BE MADE IN CONNECTION WITH THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF CERTAIN CAPITAL IMPROVEMENTS FOR SCHOOL PROJECTS

WHEREAS, the County of York, Virginia (the "County") is a political subdivision organized and existing under the laws of the Commonwealth of Virginia; and

WHEREAS, the Board of Supervisors of the County (the "Board") expects to pay or expects that the York County School Board will pay, after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction, and/or equipping of capital improvements for school projects (the "Project"); and

WHEREAS, the Board has determined that any moneys previously advanced no more than sixty (60) days prior to the date hereof, and those moneys to be advanced on and after the

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date hereof to pay the Expenditures, are available only for a temporary period and it is necessary to reimburse the County or the York County School Board for the Expenditures from the proceeds of one or more issues of tax-exempt bonds ("Bonds");

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 16th day of August, 2005, as follows:

Section 1. The Board adopts this declaration of official intent under Treasury Regulation Section 1.150-2.

Section 2. The Board reasonably expects to reimburse advances made or to be made by the County or the York County School Board on and after that date which is no more than sixty (60) days prior to the date hereof to pay the Expenditures with respect to the Projects. The maximum principal amount of the Bonds expected to be issued for the Projects is \$16,000,000.

Section 3. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Bonds to reimburse an Expenditure, no later than eighteen (18) months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three (3) years after the date on which the Expenditure itself is paid. The County recognizes that exceptions are available for certain "preliminary expenditures," costs of issuance, certain *de minimis* amounts, expenditures by "small issuers" (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five (5) years.

Section 4. This resolution shall take effect immediately upon its passage.

Item No. 9. SCHOOL CAPITAL PROJECT FINANCING: Resolution R05-143.

A RESOLUTION AUTHORIZING YORK COUNTY TO SUBMIT AN
APPLICATION TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY
FOR A SALE OF BONDS IN THE AMOUNT OF \$16,000,000

WHEREAS, the Board of Supervisors has received a request from the York County School Board (the "School Board") to contract a debt and issue general obligation bonds of the County in the maximum amount of \$16,000,000 to finance certain capital improvements for public school purposes (the "Bonds") and to sell such bonds to the Virginia Public School Authority ("VPSA"); and

WHEREAS, the Board of Supervisors has determined that it may be necessary or desirable to advance money to pay the costs for such capital projects for public school purposes (the "Projects") and to reimburse such advances with proceeds of one or more financings;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2005, that:

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150.2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board to pay the costs of acquiring, constructing and equipping the Projects from the proceeds of the Bonds to be issued in the maximum amount of \$16,000,000.

2. The County Administrator is authorized and directed to submit an application to the VPSA in order to sell the Bonds to the VPSA at the Fall 2005 VPSA bond sale.

3. This resolution shall take effect immediately upon its adoption.

Item No. 10. APPROVAL OF BOARD POLICIES: Resolution R05-145.

A RESOLUTION TO ADOPT CERTAIN AMENDMENTS TO BOARD
POLICY NUMBERS BP94-01, BP94-02, BP94-03, BP94-04, BP94-
06, BP94-07 AND BP94-10

WHEREAS, the York County Board of Supervisors adopted the Board Policies Manual on October 20, 1994; and

WHEREAS, in accordance with Board Policy Number BP94-01, the County Administrator has conducted an annual review of the adopted Policies and has submitted recommendations for amendments; and

WHEREAS, the Board carefully considered the recommendations set forth in the County Administrator's report to the Board dated July 21, 2005 and has determined that they should be approved.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2005 that Board Policy Numbers BP94-01, BP94-02, BP94-03, BP94-04, BP94-06, BP94-07 and BP94-10 be, and they hereby are, amended and adopted to read as set forth in the attachments to County Administrator's memorandum to the Board of Supervisors dated July 21, 2005.

Item No. 11. EXPANSION OF THE THOMAS NELSON COMMUNITY COLLEGE (TNCC) LOCAL COLLEGE BOARD: Resolution R05-147.

A RESOLUTION TO APPROVE THE EXPANSION OF THE THOMAS NELSON COMMUNITY COLLEGE (TNCC) LOCAL COLLEGE BOARD

WHEREAS, the jurisdictions of Newport News, Hampton, Williamsburg, Poquoson, James City County, and York County have representation on the TNCC Local College Board; and

WHEREAS, the York County community has been represented for many years on the TNCC Local College Board by one citizen member; and

WHEREAS, an ad hoc committee has studied the current Board composition and has recommended that York County be served by two members based on population and projected population growth; and

WHEREAS, the recommendation also increases by one member each the representation for Newport News and James City County, bringing the total membership on the Board to 14; and

WHEREAS, to institute this increased representation, the Chairman of the TNCC Local College Board has requested each affected locality's governing body to approve the proposed expansion of the Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, that the expansion of the membership of the Thomas Nelson College Local College Board to 14 members be, and it is hereby, approved.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chairman of the TNCC Local College Board upon its adoption and that staff take all necessary action to seek applicants for appointment of a second York County representative to the Local College Board.

August 16, 2005

CLOSED MEETING. At 8:31 p.m. Mr. Zaremba moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions.

On roll call the vote was:

Yea: (4) Noll, Bowman, Zaremba, Burgett
Nay: (0)

Meeting Reconvened. At 8:43 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2005, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Bowman, Zaremba, Noll, Burgett
Nay: (0)

APPOINTMENT TO THE TRANSPORTATION SAFETY COMMISSION

Mr. Zaremba moved the adoption of proposed Resolution R05-137 that reads:

A RESOLUTION TO APPOINT A MEMBER TO THE YORK COUNTY
TRANSPORTATION SAFETY COMMISSION

WHEREAS, Samuel H. Sparrer completed his term on the York County Transportation Safety Commission on March 31, 2005 and is unable to serve another term;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 16th day of August, 2005, that Bonnie Baffer be, and is hereby, appointed to serve on the York County Transportation Safety Commission for a term to begin immediately and expire on March 31, 2008.

On roll call the vote was:

Yea (4) Bowman, Zaremba, Noll, Bowman, Burgett
Nay (0)

Meeting Adjourned. At 8:49 p.m. Chairman Burgett moved that the meeting be adjourned sine die.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors